

YEAS—21.

Buchanan,	Getzendaner,	Matlock,
Chesley,	Gibbs,	Patton,
Collins,	Harris,	Peacock,
Cooper,	Houston,	Pfeuffer,
Evans,	Johnston of Shelby,	Randolph,
Farrar,	Kleberg,	Terrell,
Fowler,	Martin,	Traylor.

NAYS—8.

Davis,	Jones,	Shannon,
Fleming,	King,	Stratton.
Johnson of Collin,	Perry,	

The President laid before the Senate, Senate bill No. 4, "An act to amend title 9, chapter 3 of the Penal Code of the State of Texas, by adding thereto another article, to be entitled article 317a." Bill taken up and read second time.

Senator Houston offered the following amendment: Strike out "one hundred" and insert "twenty-five." Adopted.

Senator Harris offered to amend by adding "insulting" after "abusive" in the bill. Adopted.

Senator Fowler offered the following amendment: "Amend by fixing the punishment at a fine not to exceed twenty-five dollars." Lost, and bill ordered engrossed.

Senate bill No. 6, "An act to repeal section 4 of article 730 Code of Criminal Procedure, title 8, chapter 7," was taken up and read second time with committee adverse report.

On motion of Senator Matlock the adverse report was adopted and bill tabled.

Senate bill No. 7, "An act to amend articles 245 and 247 of the Revised Statutes," was taken up and read second time, with report of committee. Committee amendment adopted, and bill ordered engrossed.

Senate bill No. 9, "An act to amend articles 730 and 731 of the Code of Criminal Procedure," was taken up and read second time, with committee amendments.

First committee amendment adopted.

Second committee amendment adopted by the following vote:

YEAS—17.

Buchanan,	Getzendaner,	Peacock,
Chesley,	Gibbs,	Perry,
Collins,	Johnston of Shelby,	Pfeuffer,
Evans,	Martin,	Terrell,
Farrar,	Matlock,	Traylor.
Fowler,	Patton,	

NAYS—12.

Cooper,	Houston,	Kleberg,
Davis,	Johnson of Collin,	Randolph,
Fleming,	Jones,	Shannon,
Harris,	King,	Stratton.

During the argument of Senator Terrell upon the second committee amendment, Senator Davis raised the point of order that the Senator from Travis was not addressing himself to the amendment. Point of order overruled.

Senator Harris offered the following amendment: Amend by adding the following: "Provided, that the defendant shall not be prohibited from testifying in rebuttal to any evidence introduced by the State, or any additional facts developed by the testimony of his own witness." The amendment was lost by the following vote:

YEAS—12.

Cooper,	Houston,	Randolph,
Davis,	Jones,	Shannon,
Fleming,	King,	Stratton,
Harris,	Kleberg,	Traylor.

NAYS—17.

Buchanan,	Getzendaner,	Patton,
Chesley,	Gibbs,	Peacock,
Collins,	Johnson of Collin,	Perry,
Evans,	Johnston of Shelby,	Pfeuffer,
Farrar,	Martin,	Terrell,
Fowler,	Matlock,	

Senator Randolph offered the following amendment: Amend by striking out the amendment offered by the committee and insert: "Provided, that it shall be left to the discretion of the judge presiding at the term of the trial, taking in consideration the nature of the cause, to determine at what time the defendant shall be allowed to make his statement." Lost.

Senator Chesley offered the following amendment: "Amend by striking out so much of the bill as is an amendment to article 731, together with all amendments thereto." Amendment, lost and Senate refused to engross by the following vote:

YEAS—7.

Gibbs	Matlock,	Randolph,
Johnson of Collin,	Patton,	Mr. President.
Martin,		

NAYS—22.

Buchanan,	Fowler	Kleberg,
Chesley,	Getzendaner,	Peacock,
Collins,	Harris,	Perry,
Cooper,	Houston,	Pfeuffer,
Davis,	Johnston of Shelby,	Shannon,
Evans,	Jones,	Terrell,
Farrar,	King,	Traylor.
Fleming,		

Senator Chesley moved to adjourn until to-morrow morning at 10 o'clock, but withdrew the motion temporarily, at the request of Senator Davis.

Senator Davis entered a motion to reconsider the vote by which the Senate refused to engross Senate bill No. 9.

Senator Harris moved to suspend the rules to take up Senate resolution No. 11 out of its regular order. Motion lost and Senator Chesley renewed his motion to adjourn till to-morrow morning at 10 o'clock. Adopted and Senate adjourned.

SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 16, 1883. }

The Senate met pursuant to adjournment.

Senator Houston, President pro tem., in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Traylor, the reading of journal of yesterday was dispensed with.

Senator Evans, chairman of Committee on Public Printing, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 16, 1883.

Hon. L. J. Storey, President of the Senate:

Your Committee on Public Printing have had under consideration Senate Bill No. 58, "An act to amend article 4000 of the Revised Civil Statutes on printing," and a majority of said committee have instructed me to report it back with the recommendation that it do pass.

EVANS, Chairman.

Bill read first time.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

C MMITTEE ROOM,
AUSTIN, January 16th, 1883.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills, to whom was referred Senate bills Nos. 4 and 7, have examined the same and instruct me to report that they find the said bills correctly engrossed.

MARTIN, Chairman.

Bill read first time.

Senator Collins, chairman of Committee on Stock and Stockraising, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 16, 1883.

Hon. L. J. Storey, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred Senate bill No. 60, a bill entitled "An act to amend article 4574, chapter 3, of title 93 of the Revised Civil Statutes of the State of Texas," have had the same under consideration and a majority of the committee authorize me to report back the bill and recommend that it do pass with the following amendments: Article 4574. If the owner of any animal estrayed in accordance with the provisions of this chapter shall have had his mark and brand recorded in the county where such animal is taken up, and such animal shall be in the mark and brand of the owner at the time it was taken up, then the person so taking up and estraying such animal shall not be entitled to receive any compensation for expenses incurred in estraying the same.

COLLINS, Chairman.

Bill read first time.

Senator Stratton introduced the following bill: "An act to require the collection and payment of all special taxes levied by the several counties of this State, to be made in money, and for other purposes." Referred to Judiciary Committee No. 1.

Also, a bill to diminish the civil and criminal jurisdiction of the County Court of Matagorda county, and to conform the jurisdiction of district court of said county to such change. Referred to Judiciary Committee No. 1.

Senator Matlock introduced a bill to be entitled "An act to amend section 7, chapter 74 of the act of 1879, entitled 'an act to give effect to section 2, article 9, of the Constitution, regulating the manner of removing and locating county seats, and to provide for the location of county seats in organized counties where no county seat has been established by law.'" Referred to Committee on Privileges and Elections.

Also, a bill to be entitled "An act to amend article 2266, chapter 4, title 38, of the Revised Statutes." Referred to Judiciary Committee No. 1.

Senator Buchanan introduced a bill entitled "An act to give orders of sale foreclosing liens upon real estate the force and effect of writs of restitution." Referred to Judiciary Committee No. 1.

Senator Peacock introduced a bill to amend article 798, chapter 17, title 18, of the Penal Code. Referred to Judiciary Committee No. 2.

Senator Fowler introduced a bill entitled "An act to amend article 2266, chapter 4, title 38, of the Revised Civil Statutes." Referred to Judiciary Committee No. 1.

Senator Jones, by request, introduced a bill to regulate the powers, duties and compensation of county attorneys in counties where there is no resident district or criminal district attorney. Referred to Judiciary Committee No. 2.

Senator Evans introduced a bill to amend article 3229, title 53, of the Revised Civil Statutes, and add thereto article 3228a.

Also, a bill to amend article 378 and article 379 of chapter 6, title 10, of the Penal Code, and add thereto articles 379a, 379b, 379c and 379d. Referred to Judiciary Committee No. 2.

Senator Gibbs, by request, introduced a bill to amend chapter 3, title 53 of "An act to adopt and establish the Revised Civil Statutes of the State of Texas, passed February 28, 1879, relating to insurance, by adding thereto two additional articles, to be numbered article 2971a, and article 2971b." Referred to Committee on Insurance, Statistics and History.

A message was received from the House announcing the passage by that body of House bill 74, a bill to be entitled "An act making an appropriation for the mileage and per diem pay of the members, and per diem pay of the officers and employees of the Eighteenth Legislature." Referred to Committee on Contingent Expenses.

Senator Kleberg introduced a bill amendatory of article 377 of the second section of an act entitled "An act to adopt a Penal Code and a Code of Criminal Procedure of the State of Texas." Referred to Judiciary Committee No. 2.

On motion of Senator Stratton, the Postmaster was excused for the day, on account of sickness.

The President laid before the Senate Senate bill No. 10, "An act to repeal an act entitled 'an act to prescribe the requisites of indictments in certain cases,' approved March 26, 1881." Bill read second time.

Senator Fowler offered the following amendments. Amend by adding another section as follows:

SECTION 2. That no indictment or criminal prosecution pending at the time this act takes effect shall be invalidated or in any manner affected by the repeal of the said act.

Also amend caption by adding the words "except as to indictments and criminal prosecutions pending at the time this act takes effect."

Amendment adopted, and bill, as amended, ordered engrossed.

Senator Terrell introduced the following resolution:

WHEREAS, It is proper that a President of the Senate, who has zealously and conscientiously devoted himself to the discharge of his trust, should receive some testimonial on his retirement from office of our estimate of his services; therefore,

Be it resolved by the Senate of the State of Texas, 1. That the Hon. L. J. Storey, Lieutenant-Governor and President of the Senate of Texas, has impartially and faithfully discharged the duties of his office.

2. That as a part of the administration which during the last four years has not only arrested the tendency to increase the State debt, but has done much toward paying off the same, promoted economy in all the departments of government, and increased the efficiency of the laws, the Hon. L. J. Storey deserves the confidence of the people.

3. That we tender to him our earnest wishes for his future prosperity and happiness.

On motion of Senator Terrell, the resolution was adopted by the following vote:

YEAS—28.

Buchanan,	Harris,	Patton,
Chesley,	Houston,	Peacock,
Collins,	Johnson of Collin,	Perry,
Davis,	Johnston of Shelby,	Pfeuffer,
Evans,	Jones,	Randolph,
Farrar,	King,	Shannon,
Fleming,	Kleberg,	Stratton,
Fowler,	Martin,	Terrell,
Gerzender,	Matlock,	Traylor,
Gibbs,		

Absent, Senators Cooper, Gooch and Pope.

The President laid before the Senate Senate joint resolution No. 11, a resolution to require the Committee on Judicial Districts to ascertain and report the number of days of actual session of district courts for 1881 and 1882.

Resolution and committee amendment read second time.

Senator Stratton offered the following amendment: "Amend by giving number of cases, civil and criminal, on docket during five years previous to 1881, and how many and what character of cases are now pending on docket of said courts." Lost.

Resolution adopted with committee amendment.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,
AUSTIN, January 15, 1883.

To the Honorable Senate in the Legislature assembled:

The Board of Regents of the University, in pursuance to the statute, made at its first meeting a classification of themselves into the first, second, third and fourth classes. Some of those who were then members have resigned, and the places of most of them have been filled by appointment. The present members are as follows:

First Class—1. T. D. Wooten. 2. Vacant by resignation of Smith Ragsdale.

Second Class—1. Ashbel Smith. 2. Vacant by resignation of J. L. Camp.

Third Class—1. T. M. Harwood. 2. E. J. Simkins.
Fourth Class—1. M. L. Crawford. 2. Jas. H. Jones.

All of said members, except the President of the board, Hon. Ashbel Smith, have been appointed since the adjournment of the Legislature at its last regular session. I therefore respectfully request the confirmation of the following persons, that are now holding under said appointments:

T. D. Wooten, of the first class.
T. M. Harwood, of the third class.
E. J. Simkins, of the third class.
M. L. Crawford, of the fourth class.
Jas. H. Jones, of the fourth class.

The membership of Dr. T. D. Wooten would terminate at the present session of the Legislature, unless his nomination by me is confirmed by the Senate, he being in the first class. If he and the gentlemen above named shall be confirmed, there will be still two vacancies to be filled by the appointment of my successor, and the confirmation of the Senate at this session of the Legislature, to-wit, one in the first class, and one in the second class. (See General Laws of 1881, pages 80 and 124.)

Respectfully submitted, O. M. ROBERTS, Governor.

Senator Shannon moved that the Senate go into executive session at 10 o'clock a. m. to-morrow. Adopted.

Senator Davis moved to suspend regular business and take up Senate Bill No. 7. Adopted.

Senate Bill No. 7, "An act to amend articles 245 and 247 of the Revised Statutes," was taken up, read third time and passed.

Senator Randolph submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 16, 1883.

Hon. L. J. Storey, President of the Senate:

Your Committee on Contingent Expenses to whom was referred House bill No. 74, a bill entitled "An act making an appropriation for the mileage and per diem pay of the members and per diem pay of the officers and employees of the Eighteenth Legislature," have had the same under consideration, and a majority of your committee instruct me to report the same back to the Senate with a recommendation that it do pass.

RANDOLPH, for Committee.

Bill read first time.

Senator Davis moved to suspend rules and place the bill on its second reading. Adopted by the following vote:

YEAS—28.

Buchanan,	Harris,	Patton,
Collins,	Houston,	Peacock,
Cooper,	Johnson of Collin,	Perry,
Davis,	Johnston of Shelby,	Pfeuffer,
Evans,	Jones,	Randolph,
Farrar,	King,	Shannon,
Fleming,	Kleberg,	Stratton,
Fowler,	Martin,	Terrell,
Getzendaner,	Matlock,	Traylor.
Gibbs,		

NAYS—none.

Bill read second time.

Senator Davis moved to further suspend rules and place bill on its third reading. Adopted by the following vote:

YEAS—28.

Buchanan,	Harris,	Patton,
Collins,	Houston,	Peacock,
Cooper,	Johnson of Collin,	Perry,
Davis,	Johnston of Shelby,	Pfeuffer,
Evans,	Jones,	Randolph,
Farrar,	King,	Shannon,
Fleming,	Kleberg,	Stratton,
Fowler,	Martin,	Terrell,
Getzendaner,	Matlock,	Traylor.
Gibbs,		

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—27.

Buchanan,	Gibbs,	Matlock,
Collins,	Harris,	Patton,
Cooper,	Houston,	Peacock,
Davis,	Johnson of Collin,	Perry,
Evans,	Johnston of Shelby,	Pfeuffer,
Farrar,	Jones,	Randolph,
Fleming,	King,	Shannon,

Fowler,
Getzendaner,

Kleberg,
Martin,

Stratton,
Traylor.

NAYS—none.

Lieutenant-Governor Storey in the chair.

A message was received from the House informing the Senate of the passage by that body of substitute House bill No. 18, an act entitled "An act to withdraw the public land of the State of Texas from sale." Referred to Committee on Public Lands.

The President laid before the Senate Senate bill No. 17, "An act to repeal an act entitled an act granting to persons who have been permanently disabled by wounds received while in the service of this State or of the Confederate States a land certificate for 1280 acres of land." Bill read second time and ordered engrossed.

The President laid before the Senate Senate bill No. 16, to provide for compensation to an attorney when appointed by the court to defend any person charged with crime or misdemeanor. Bill read second time with unfavorable report.

On motion of Senator Matlock, committee report adopted and bill lost.

Senator Davis, by permission, introduced the following bill: "An act requiring the printing and publication of 5000 copies of the general laws of the Sixteenth and Seventeenth Legislatures, and the general laws of the called session of the Sixteenth Legislature." Referred to Committee on Public Printing.

The President laid before the Senate Senate bill No. 18, "An act to amend article 1052 of the Code of Criminal Procedure." Bill read second time.

On motion of Senator Matlock the committee report was adopted and bill lost.

The President laid before the Senate Senate bill No. 22, "An act entitled an act to suspend the sale of the public school, university and asylum lands, and all vacant and unappropriated land of the State," with substitute of the committee.

Senator Stratton offered the following amendment: Amend by adding "That nothing contained in this act shall suspend the return of the field notes to the General Land Office of lands already surveyed, under existing laws; and further provided, that the time for the payment of the purchase money for lands already surveyed into the State treasury shall remain as now provided by existing laws."

On motion of Senator Chesley, the consideration of the pending bill, with substitute and amendment, was postponed till after the inauguration of the Governor and Lieutenant-Governor.

Senator Johnston of Shelby moved that the Senate take a recess of ten minutes. Adopted, and Senate took a recess.

Recess expired. Senate called to order.

Roll called; quorum present.

A message was received from the House announcing that that body was ready to receive the Senate for the purpose of inaugurating the Governor and Lieutenant-Governor elect, whereupon the Senate repaired to the Hall of Representatives for the purposes aforesaid.

IN JOINT SESSION.

Roll of Senate called. Quorum present.

Roll of House called. Quorum present.

The Speaker introduced Governor O. M. Roberts, who delivered, upon retiring from the office of Governor, the following address:

Gentlemen of the Senate and House of Representatives, and fellow-citizens:

In leaving the office of Governor, with which I have been honored by the free choice of the people of Texas, I desire to express my grateful thanks to the members of the Sixteenth and Seventeenth

Legislatures for their wise action in giving direction to public affairs during my administration as Chief Executive of the State; to the several heads of Executive Departments, and to employees of the government generally, for their active co-operation in the work that has been before us, and to my fellow-citizens throughout all parts of the State for their favorable appreciation and confidence.

We, that have been in authority as servants of the people, have had a weighty responsibility resting upon us, in the endeavor to build up Texas into a great, prosperous and intelligent State.

However much has been accomplished, much still remains to be done.

Having full confidence that wise counsils and prudent action will continue the good work, it is with pleasure that I now retire from the position, the most important and most honorable within the gift of the people of this great and growing State, the office of Governor of Texas.

The oath of office was then administered to Hon. John Ireland, the Governor-elect, by Hon. A. S. Walker, Judge of the District Court of Travis county.

The Speaker then introduced Governor Ireland, who delivered the following inaugural address:

Gentlemen of the Senate and House of Representatives, and Ladies and Gentlemen:

In assuming the duties of Chief Magistrate of this, the most splendid commonwealth on earth, I do so with doubts and forebodings, as to my capacity for the task.

Looking back a few years, we behold Texas a part of the Spanish kingdom; by the revolution of 1824 she became a part of the Republic of Mexico; Mexico refusing to her distant territory that just and equal place in the family that was due to the people, and Texas having been sought by blood that knew what freedom and equal rights were, this blood, aided by many noble families descended from that of Castile, soon inaugurated the movement that culminated at San Jacinto and spoke a new nation into life.

For many years the Republic of Texas consisted of her ancient and noble settlement in Eastern Texas, the lower Brazos settlement and the Missions, including San Antonio. Her progress was slow, but soon the idea of annexation began to grow, and was made a finality in 1845. Her population was then about 150,000 souls, and as late as 1870 the total population was but little over 800,000. Up to near that period we had no disturbing questions about public lands; our free schools consisted in what was known as the indigent system; we had no perplexing questions of taxation; the penitentiary was almost mythical, and our asylums were only known in name. The principal duty of the Executive was to sign patents and look to the frontier.

How changed the scene! Over two millions population, and instead of the small settlements before mentioned, we find the entire country, "from the Red River to the Rio Grande, and from the coast to El Paso," peopled and yielding all the material products for the consumption of our race; while the Pan Handle supplies Chicago, New York, the Indian tribes and portions of Europe with beef—each section constantly struggling for the mastery, and endeavoring to impress its ideas and laws upon the State.

The public lands are exciting that energy, and calling forth that same spirit of gain that the gold fields of Australia and those of California did. The growth and settlement of the distant parts of our territory have demonstrated the fact that laws that are suitable for the Red River country do not prove beneficial to the Rio Grande, and those that the coast desire are not welcome at El Paso. With all these difficult and conflicting elements and interests must we deal. Shall we float along in the avenues of the sluggard, caring nothing for the future, or shall we deal with these great interests as though we, and not posterity, are to be affected by our action?

Prominent among the subjects that will challenge the attention of this administration are:

The preservation of our common school fund, including the lands set apart for that purpose, and the improvement of our school system.

It is known to the country that, prior to my nomination at Galveston, I severely criticised the practice of paying forty per cent premium for our bonds, and no amount of reasoning or financial skill can satisfy me that the practice is justifiable, either in retiring our bonded indebtedness, or as an investment for the school fund.

It seems to be admitted by all that the Constitution should be so amended as to permit the Legislature to levy and collect a school tax, without reference to the amount of the general revenue that may be necessary.

Another amendment to that instrument will be necessary with reference to the school fund—

The permanent fund belonging to the common schools can only be invested in bonds of the Federal agency and of the State.

The United States are refunding at so low a rate that their bonds are not desirable for that purpose, and very soon we hope the State

will have no bonded debt outstanding, and we must therefore seek some other mode of investing our permanent school fund.

Shall we guard, protect and increase this fund as a sacred trust, or shall we throw it away by paying forty per cent premium for an investment?

The University was early contemplated by those who have gone before. No one questions the usefulness or propriety of such an institution, and we suppose a retrograde movement, with reference to it, is not contemplated.

THE PENITENTIARY—WHAT SHALL BE DONE WITH OUR CONVICTS?

It would seem that experience has taught us that there are but few "penitents" and but few reforms accomplished in that institution, and, therefore, that it is probably misnamed. It will be for the wisdom of the law-making power to prescribe the proper management. I do not doubt but there are numbers sent to that institution for petty offenses, who should be punished in some other way; and for youths a house of correction or other place of confinement and punishment should be devised. I doubt the propriety of sending any, no matter what the age, to the penitentiary for short periods of time.

THE JUDICIARY.

Shall we amend our Constitution so as to enable us to have a judiciary equal to our demands, or shall we continue to multiply judges of courts of last resort? A little reflection will satisfy all that the evil in the system is radical, and we must begin the remedy in the trial courts.

TAXATION.

The earlier idea about occupation tax was that it should be laid on those occupations and pursuits that were to be discouraged; but the modern practice appears to be to raise money even at the expense of those most useful and desirable. As to an ad valorem tax, there is no just power to take from the citizen one mill, if it is not absolutely required to carry on his government in an economical manner. What belongs to the citizen is his absolutely, and his agents have no right to demand more than is necessary. Again, no greater temptation and invitation to extravagance, and even corruption can exist, than a plethoric treasury. We need no other evidence of this than that offered in our landed system. After all the head-rights, the augmentations, the donations and the bounties had been provided for, there still remained, say one hundred and twenty million acres of land. This was about the sum at the close of the war between the States. These lands then began to attract the attention of the capitalists, the land hungry and greedy, and scheme after scheme was resorted to to get hold of them. When standing in the Thirteenth Legislature there were a few—a splendid band—who protested against opening the door that was felt to be the first break upon these lands. These men stood amidst the jeers and scoffs of those who were clamorous for the golden egg, and casting a glance to the distant future and foreseeing that this rich field could not be longer guarded, as a last resort they introduced and had passed the law setting apart one-half of the entire public domain for educational purposes. They took the only step left them to secure to posterity a small pittance of that splendid educational fund; but the door was broken down and it has gone, until now there is but a remnant.

I think I see away down the corridors of time this splendid territory teeming with millions. No more public lands; no more cheap homes—poverty and squalid want gathering fast and thick around the inhabitants, when some one of them will gather up the fragments of our history and read to the gazing and mind-famished multitude how this generation had in its power and keeping a fund that should have gathered like the snowball as time rolled on, and how, if we had been true to ourselves, to posterity, to them, they could have educated all their children, paid all their taxes, reared school houses, built roads and bridges—and then I see them turn with deep mutterings from the wicked folly that crazed our people from 1865 to 1882.

I know that there is a popular fallacy abroad that finds expression in such language as "damn posterity, let it take care of itself." I pity the heart that can thus speak. Not so spoke our ancestors—the fathers. They saw not *to-day*, but looking with an eye of faith and wisdom away in the distance, they saw *us*, and labored and toiled for us.

OUR COMMON HIGHWAYS.

Our laws on this subject are defective. There seems to be no reason why all who own property or reside near the roads should not contribute to support them. The youth, the aged and the non-resident, having property that is benefited by a highway, should bear a proper proportion of its burdens, as well as those within certain age.

OUR RAILWAYS.

The constitutional requirement that the Legislature shall pass laws to regulate and control these institutions has been only par-

fully performed. The people demand the fulfillment of this plain constitutional duty.

It is not the work of an hour, nor to be performed without mature study. These railways are our institutions; their value and utility to the country are not to be questioned; their management has challenged and baffled the highest order of talent, and whatever is done, it is to be hoped will be done in the spirit of justice and equity, that will prove adequate to our wants, without crippling or injuring the railways.

THE FRONTIER.

That the time is rapidly approaching when we will have no frontier, in the sense of an Indian border constantly subject to incursions of hostile savages, is certain, and yet those familiar with our borders and the enforcement of our laws, will readily concede the fact that the time has not arrived for the disbandment of our State forces.

EXECUTION OF THE CRIMINAL LAW.

There are three things imperatively demanded to a proper execution of these laws:

1. We must have a good judiciary, which cannot be had, but in exceptional cases—without better salaries.
2. A salary to the prosecuting officer that will ensure talents and fidelity to duty, that will be equal to our young, vigorous and splendid bar; and
3. A higher sense of duty on the part of our juries.

CIVIL SERVICE REFORM.

This is a theme dwelt upon by statesmen of all parties, State and Federal; it goes forth in State papers of the most solemn character; we get it in prose and poetry, and no sooner has the party triumphed by the force of its logic than it dies, often a silent death, without so much as a prayer being offered at its obsequies.

Happily for the American people, the last and most glaring breach of public decency has been rebuked by an outraged people in a manner so severe that we shall not likely in the next few years hear of a Hubbell organization or a cabinet minister tendered by the Chief Magistrate of our Federal agency for Governor of a State, or of quarantine guards and revenue officials undertaking to conduct elections. While these things have been severely rebuked it has not been done by a people unfaithful to the spirit of our institutions, for all governments here are the people's, no less that of the States than the Federal, and whether improper interference with the freedom of elections comes from those in authority in the State or Federal government, it is the right and bounden duty of the people to rebuke it—the more severely the higher the source from whence it comes.

In assuming the duties of this very responsible office, I do, to-day, although elected as a partisan, declare that the oath of office disarms the politician and leaves me free to deal with all alike, and whatever asperities may have been engendered in political contests, I thank God that I have moral courage enough to remember that I am the Chief Magistrate of a great people and State, and that it is their affairs, and not my own, with which I have to deal.

To those around me, charged with a portion of the same public trust, I have to say, that while a degree of individuality in all is a necessary ingredient, still I trust that we meet with that spirit of forbearance and concession that will render the aggregated will useful to our country, and in inviting their hearty co-operation, I deem it proper to say that they will find in me, at all times, not only a willingness to hear others and consult their views, but to make all necessary concessions in order that the incoming administration may meet the expectations of this splendid commonwealth.

Fidelity to the constitutions of our country, State and Federal, is the true test of loyalty, and he who tramples upon these or does other illegal acts in the name of law is the vilest of law breakers.

May we hope that our school lands and the common school fund will be guarded with that spirit of jealousy and devotion to trust and duty that the magnitude of the subject demands.

It is not unknown that the section of our State where these lands are situated feels a deep interest in this subject, and while the public servant must do nothing that can be avoided to retard or annoy any section, still I know that that gallant people will not require a guardian of a great public trust to lose sight of the fact that he does indeed represent all the people and all sections of our State, and that devotion to this great trust is of the first and highest consideration.

OUR INSANE.

Shall the institution intended for the treatment, care and cure of this unfortunate class, be longer a thing in name, or shall we make it equal to the demands of justice and humanity?

These and many other subjects, not necessary now to enumerate, will receive more elaborate attention in direct communication to the two houses.

With regard to the management of our various institutions or appointments to office therein, I wish to say that the first great consid-

eration has, and will continue to be, the good of the public service, and when I do not think this service can be bettered, no removals will be made.

I believe in the fullest and freest ballot, and do not cherish the slightest animosity toward those who offered a manly opposition to my election, and as the Executive I have no enemies to punish.

We can have but few State secrets. This government belongs to the people. It is republican in form, and should be in fact. The people's agents in time of peace can rightfully have but few matters before them that should be withheld from the people. If unjust criticism ensues, a discerning and just public sentiment will sooner or later do justice.

The true theory of republican government is that each individual shall have an equal chance in life, and exclusive or extraordinary privileges should be given to none. Let each pursue the journey of life in his own way, the government taking care only that no one obstructs or molests the other so long as each attends to his own affairs.

Let us multiply the machinery of government as little as possible, adhere to the simplicity, purity and honesty of the fathers, and see how best to excel in virtue, purity of character, and in all those things that make us a light to our race.

We are blessed by nature's bounties far beyond the majority of our race; that these blessings are appreciated by the world is shown in our wonderful growth. Where, in the history of the past, has a state risen from less than a million to nearly two millions of people in one decade? When before has the wealth of a people grown as ours in the last ten years?

To share these wonderful blessings of climate, cheap homes, fertile soil, health and low taxes, we invite and welcome the industrious, the well disposed and enterprising of all the world.

To our retiring chief let us extend the best wishes of a people whom he has served long, and, we must believe, to the best of his ability.

If, in our judgment, we are led to believe that he has committed mistakes, let our mission be to avoid the quicksands pointed out by those mistakes, and not detract from the laurels of a life of public service. And we know that his sterling good sense will tell him to accord to us no other motive than that of the good of all the people of Texas.

The Speaker announced that in consequence of the sickness of Hon. Marion Martin, the oath of office would be administered to him as Lieutenant-Governor of the State at his room at the Austin House.

On motion of Senator Johnston of Shelby the Senate retired to the Senate chamber.

Lieutenant-Governor Storey delivered the following address on retiring from the position of Lieutenant-Governor of the State:

Gentlemen of the Senate:

For ten long years it has been my fortune to be a member of the Legislature of Texas, and now as I retire from public life and the office of Lieutenant-Governor of the State, I cannot refrain from expressing to you my grateful acknowledgments for the uniform kindness and consideration shown me by the members, officers and employees of the Senate. During these years of toil and service I have doubtless committed many blunders, but to correct them when discovered has been a like a pleasure as it was my bounden duty.

It is gratifying to me to know that during my two years' service as President of the Senate, the mantle of charity has been thrown over my errors, whatever they were, for no ruling of mine has ever been appealed from. Nor am I conscious that any Senator, officer, or employee of the Senate has ever complained, or had cause to complain, of the manner in which I have discharged my official duties. If any feel that they have not received at my hands the fullest consideration due them, I trust that they will at once banish the thought from their minds, for nothing has been more foreign to my desire; and in my retirement rest assured that I will take with me the kindest feelings for all those with whom I have been associated. And in after years, when I shall look back upon the past, no spot along my political pathway will call to mind so many fond recollections as the Senate of Texas.

It is here I have met and mingled with patriotic men of Texas who came to the Senate for the good of the State. They found the State in a demoralized and bankrupt condition, without credit, and an empty treasury, an enormous debt and oppressive taxation—a standing army in time of peace, with nothing to pay them; her bonded debt bearing ten per cent interest, while her warrants upon the treasury were being hawked about the streets at fifty cents on the dollar; while the permanent school fund in 1878 consisted of but \$2,620,125 in money and bonds, and but 2,768,072 acres of land, and a school system whose praise was sung only by an army of offi-

ciala who consumed annually one-fourth of the available fund to pay their own salaries.

As the result of patriotic effort, a mighty change has been wrought. We now have a prosperous and happy people, an overflowing treasury and economical government, a comparatively small debt and a low rate of interest, low taxation, and a restored credit. Her treasury warrants are at par, while her bonds are selling at a premium of 40 to 52 per cent. More than 50,000,000 acres of land has been added to the school fund, while the cash and interest bearing bonds belonging to the fund is approximating nearly five and a half millions of dollars. In short, the State has been placed on the high road to prosperity. And, with liberty, progress, economy and prosperity inscribed upon her banner, she is moving forward to that grand destiny that awaits her, when every tongue shall confess her as much the superior of her sisters in point of wealth and political power, as she is to-day in the extent of her territory.

I will be pardoned for expressing the pride I feel, when I remember that I have been associated with men who have done much to bring about this grand result.

And now Senators, permit me to announce the fact that your future presiding officer, the Lieutenant-Governor of Texas, has taken the oath of office in his room at the hotel, where he is confined to his bed by sickness, and to him I now surrender the trust heretofore confided to me. Again allow me to tender my sincere thanks for the support the Senate has always given me, and for the kind resolution of confidence and esteem you have adopted to day.

Senator Buchanan moved that the address of the Lieutenant-Governor just delivered be printed in and made a part of the Senate journal. Adopted unanimously.

On motion of Senator Matlock, Senate adjourned until 10 o'clock to-morrow morning.

EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 17, 1883. }

The Senate met pursuant to adjournment.

Senator Houston, President pro tem., in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Kleberg, the reading of yesterday's journal was dispensed with.

On motion of Senator Cooper, Wm. Neal Ramey, Secretary of the Senate, was excused for absence yesterday and to-day, on account of sickness in his family.

Senator Gibbs, chairman of Committee on Constitutional Amendments, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 17, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred joint resolution No. 15, have had the same under consideration, and have instructed me to report it back with the recommendation that it do pass, with the accompanying amendment, adopted by your committee.

GIBBS, Chairman

The amendment to original resolution is as follows: Instead of "already incurred," insert "incurred prior to the adoption of this amendment."

Bill read first time.

Senator Patton, for Judiciary Committee No. 2, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 16, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 78, entitled "A bill to be entitled an act to amend chapter 10, title 71, of the Revised Civil Statutes, by adding article 3604," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

PATTON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 16, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 57, entitled "An act to amend article 699, title 8, chapter 5,

of the Code of Criminal Procedure of the State of Texas," have had the same under consideration, and instruct me to report the same back to the Senate with the recommendation that it do not pass, because, in the opinion of the committee, it would be in violation of section 13, article 5, of the Constitution of the State of Texas, which the committee believe requires a jury of twelve men in every felony case.

PATTON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 16, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to which was referred Senate bill No. 83, entitled "An act authorizing the settling of causes for trial or disposition in the district courts," have had the same under consideration and instruct me to report it back to the Senate with the recommendation that the same do not pass.

PATTON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 16, 1883.

Hon. Marion Martin President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 80, entitled "An act entitled an act to amend article 240 of the Penal Code," have had the same under consideration, and instruct me to report it back to the Senate and recommend that it do not pass, because a bill of the same subject matter has been reported upon.

PATTON, Chairman.

Bill read first time.

Senator Kleberg, chairman of special committee on inauguration, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 17, 1883.

To the Hon. A. W. Houston, President pro tem. of the Senate:

Your committee appointed to act with a like committee upon the part of the House of Representatives to make necessary arrangements for the inauguration and installation of the Governor and Lieutenant-Governor elect, beg leave to report that after the inauguration of Governor John Ireland the committee proceeded to the room of the Lieutenant Governor, Marion Martin, and there witnessed the installation of Lieutenant Governor Martin, Judge A. S. Walker administering the constitutional oath of office to the said Marion Martin, in the presence of Senators Chesley and Kleberg, and Representative Acker.

CHESLEY,
KLEBERG,
TERRELL,
Senate Committee.

Senator Cooper introduced a bill to be entitled "An act to amend article 2266, chapter 4, title 38, of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed by the Sixteenth Legislature of Texas." Referred to Judiciary Committee No. 1.

Senator Traylor introduced a bill to amend articles 3060, 3066 and 3067 of the Revised Civil Statutes of the State of Texas. Referred to Judiciary Committee No. 1.

Senator Traylor introduced the following joint resolution:

Be it resolved by the Legislature of the State of Texas, That section 8 of article 7 of the Constitution be so amended as to read as follows:

SECTION 7. There shall be elected by the qualified voters of the State at the time and places of election of members of the Legislature, a Superintendent of Education, who shall distribute said funds to the several counties, and perform such other duties concerning public schools as shall be prescribed by law.

Referred to Committee on Constitutional Amendments.

Senator Gibbs introduced the following bill: "An act to amend articles 1005, 1006, 1007, 1008 and 1009, Revised Statutes." Referred to Judiciary Committee No. 1.

Senator Gibbs, by request of the Committee on Constitutional Amendments, submitted the following resolution:

Resolved, That the chairman of the Committee on Constitutional Amendments be allowed to have printed, for the use of the Senate, one hundred copies of all amendments of article 7 of the Constitution pending before the committee.

Adopted.